

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA	)	
	)	
v.	)	No. 3:18-cr-185
	)	Judge Phillips
GREBIN GALINDO-ROSALES	)	

**MEMORANDUM AND ORDER**

The defendant is charged with one count of being an illegal alien in possession of a firearm [Doc. 1, Count One] and one count of being an illegal alien in possession of ammunition [*Id.*, Count Two]. The defendant filed a motion to dismiss the indictment as a violation of the Double Jeopardy Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the United States Constitution [Doc. 11]. The government has responded in opposition to the motion [Doc. 12].

On January 10, 2019, United States Magistrate Judge Debra C. Poplin conducted a hearing on the pending motion. On March 6, 2019, Magistrate Judge Poplin issued a Report and Recommendation (“R&R”), recommending that the defendant’s motion be denied [Doc. 18].

A district court is both statutorily and constitutionally required to conduct a *de novo* review of a magistrate judge’s report and recommendation. *See United States v. Shami*, 754 F.2d 670, 672 (6th Cir. 1985). However, it is necessary only to review “those portions of the report or specified proposed findings or recommendations to which objection is

made.” 28 U.S.C. § 636(b). The district court need not provide *de novo* review where objections to a report and recommendation are frivolous, conclusive, or general. *See Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986).

No objections to the R&R have been filed, and the time for doing so has now passed. Fed. R. Crim. P. 59(b)(2). The undersigned has nonetheless thoroughly reviewed the R&R, the defendant’s motion, and the government’s response.

The Court is in complete agreement with Magistrate Judge Poplin’s recommendation. Accordingly, the Court **ADOPTS in whole** the findings of fact and conclusions of law set out in the R&R [Doc. 18]. The defendant’s motion to dismiss the indictment [Doc. 11] is **DENIED**. This case remains set for trial on May 21, 2019.

IT IS SO ORDERED.

s/ Thomas W. Phillips  
SENIOR UNITED STATES DISTRICT JUDGE